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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,417	09/05/2003	Gabor Vamberi	RU-144US	7564
24314	7590	04/27/2005	EXAMINER	
JANSSON, SHUPE & MUNGER, LTD			WARD, JOHN A	
245 MAIN STREET			ART UNIT	PAPER NUMBER
RACINE, WI 53403			2875	

DATE MAILED: 04/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

TL

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/656,417	VAMBERI, GABOR
	<b>Examiner</b>	<b>Art Unit</b>
	John A. Ward	2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 05 September 2003.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-25 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-14, 17, 18 and 21-25 is/are rejected.  
 7) Claim(s) 15, 16, 19 and 20 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 7-14, 17, 18 and 21, rejected under 35 U.S.C. 102(b) as being anticipate by Gawad et al (US 4,494,175).

Regarding claims 1-4 and 17 Gawad et al ('175) discloses a recessed lighting fixture having a body 17, having a sidewall 20, a plurality of fin engaging elements (not labeled), and at least one fin or a plurality of fins 62 engaged with each engaging element (figure 3) located inside and outer side of the body.

Regarding claim 7, figure 3 of Gawad et al shows the engaging elements are slots formed in the sidewall.

Regarding claim 8, figure 2 of Gawad et al shows how the sidewalls are symmetrical about a central axis of the body 17.

Regarding claim 9, figure 3 of Gawad et al shows how the sidewalls are substantially symmetrical.

Regarding claims 10 and 21, Gawad et al shows in figure 2, that the sidewalls are equidistantly around the circumference of the sidewall including grooves and is coplanar with a central axis of the body.

Regarding claim 11, Gawad et al shows in figure 3, that housing sidewalls has an interior surface, each slot 62 is slidably receive and engage each fin, each fin has at least one stop 70 extending from a rear edge (figure 3), holding the fin in place.

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Regarding claim 12, Gawad et al shows a catch 15 attached to the interior surface and being sized to receive and hold the stop.

Regarding claims 13 and 14, Gawad et al shows in figure 3 the housing includes each slot runs substantially the length of the sidewall, the stop 70 is a pair of flanges and each catch is a that runs the length of the slot whereby a channel 82 slidably receives and engages the flanges, and each channel has two ends and a screw 74 is in position to secured each channel.

Regarding claim 18, the sidewall of Gawad et al is substantially cylindrical (figure 3).

Claims 1-4 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Lin (US 6,029,939).

Regarding claims 1-4 Lin discloses a body 1, having a side wall, having a plurality of fins engaging elements 13, 14, at least one or a plurality of fins 2 removably engaged with at least one or a plurality of engaging element placed around the sidewall of the body (figure 3).

Regarding claim 7, Lin shows in figure 1 that the fin-engaging elements are slots formed in the sidewall.

Claims 23-25 rejected under 35 U.S.C. 102(b) as being anticipated by Gawad et al ('175).

Regarding claims 23-25 Gawad et al ('175) discloses a recessed lighting fixture having a body 17, having a sidewall 20, a plurality of fin engaging elements (not labeled), and at least one fin or a plurality of fins 62 engaged with each engaging element (figure 3) located inside and outer side of the body.

It is inherent that the method for fabricating a light fixture can be found by the prior art of Gawad et al since all the limitations of the claims are met by the prior art.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 5, 6 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gawad et al ('417).

Regarding claims 5, 6 and 22, Gawad et al discloses all the limitations of the claimed invention, but does not disclose the fins having different shapes, color, material, or indicia.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide fins with different shapes, colors, material or indicia, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of design choice. *In re Leshin, 125 USPQ 416.*

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Holten Des. 384,769

Lim 4,750,096

Miller 4,872,097

Warshauer et al 5,690,425

Kreeft 5,908,234

Blandford 6,720,566

Stimac et al 6,787,999.

***Allowable Subject Matter***

Claims 15, 16, 19 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The prior art does not teach or suggest at least one fin having a light emitting diode strip secured between the fin and at least one channel located toward the exterior of the housing and having a cap-rim.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John A. Ward whose telephone number is 571-272-2386. The examiner can normally be reached on Monday - Friday.

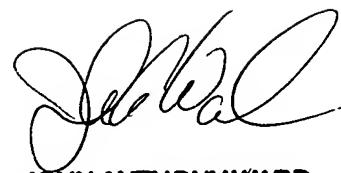
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571-272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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April 15, 2005



**JOHN ANTHONY WARD  
PRIMARY EXAMINER**